

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 141 OF 2003

Shri Pratapsingh Rauji Rane,
Vithalpur, Sanquelim, Goa, ... Petitioner.

Versus

1. Shri Jitendra Zoiba
Rane, Vithalpur,
Sanquelim, Goa,
2. Mrs. Jitendra Z. Rane,
Vithalpur, Sanquelim,
Goa,
3. Shri Sanjay Zoiba Rane,
Vithalpur, Sanquelim,
Goa and
4. Smt. Vimalabai Zoiba Rane
alias Sanyogita Zoiba Rane,
Vithalpur, Sanquelim, Goa. ... Respondents.

Mr. A.N.S. Nadkarni, with Mr. H. D. Naik, Advocates
for the petitioner.

Mr. S. G. Bhobe, advocate for the respondents.

CORAM : S. J. VAZIFDAR, J.

DATE : 10th April, 2003.

ORAL JUDGMENT

Rule returnable forthwith. By consent the Writ
Petition is taken up for final hearing.

2. The impugned judgment permits the respondents
to recall their witnesses for further examination. The
learned advocate for the petitioner invited my attention
to the judgment of this Court in **Smt. Rosa Esmenia Moraes
& Anr. vs. Smt. Concessao Pereira, 1997(2) Goa L.T.
364.**

3. The interests of justice would be met if the learned trial Judge follows the procedure laid down in the said judgment inter alia, by permitting the respondent to furnish proofs of evidence to be put to the respondents. Needless to add that the petitioner shall be entitled to cross-examine the witnesses thereafter. The impugned Order is hereby set aside and is substituted by this Order. Rule made absolute. There shall be no order as to costs.

S. J. VAZIFDAR, J.

mc.